

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

QBE INSURANCE CORP.,

Plaintiff,

v.

ACE INSURANCE CO., TNT EQUIPMENT
SALES & RENTALS, INC., BEAVER
CONSTRUCTION, ACE FIRE
UNDERWRITERS INSURANCE
COMPANY, THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION,
NEW JERSEY TRANSIT, NEW JERSEY
TRANSIT RAIL OPERATIONS, INC., ABC
COMPANIES 1-10, and JOHN DOES 1-10

Defendants.

Civil Action No. 09-4691 (KSH)

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

This matter having come before the Court by way of Magistrate Judge Michael A. Shipp's Report and Recommendation [D.E. 46] that the Court abstain from exercising jurisdiction over this declaratory action and remand this matter to the Superior Court of New Jersey, Law Division in Essex County; and the parties having had 14 days to object to the Report and Recommendation pursuant to L. Civ. R. 72.1(c)(2); and none of the parties having filed an objection; and good cause appearing,

IT IS on this 10th day of August, 2011,

ORDERED that the Report and Recommendation [D.E. 46] is **accepted**, and it is further

ORDERED that, for the reasons stated in the Report and Recommendation, this matter is remanded to the Superior Court of New Jersey, Law Division in Essex County.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.